

1 M. KIRBY C. WILCOX (Cal. State Bar No. 078576)
JEFFREY D. WOHL (Cal. State Bar No. 96838)
2 ANNE W. NERGAARD (Cal. State Bar No. 235058)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
3 55 Second Street, 24th Floor
San Francisco, California 94105-3441
4 Telephone: (415) 856-7000
Facsimile: (415) 856-7100
5 kirbywilcox@paulhastings.com
jeffwohl@paulhastings.com
6 annenergaard@paulhastings.com

7
8 Attorneys for Defendants
HANESBRANDS INC. and
SARA LEE CORPORATION

9 UNITED STATES DISTRICT COURT
10
11 NORTHERN DISTRICT OF CALIFORNIA

12 TINA HOPSON, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 vs.

16 HANESBRANDS INC.; SARA LEE
17 CORPORATION and DOES 1 through 50,
inclusive,

18 Defendants.

No. CV 08-0844 EDL

**DECLARATION OF COMPLIANCE
WITH THE CLASS ACTION FAIRNESS
ACT OF 2005**

1 I, Anne W. Nergaard, declare:

2 1. I am admitted to the Bar of this Court and an associate at Paul, Hastings, Janofsky &
3 Walker LLP ("Paul Hastings"), counsel of record for defendants Hanesbrands Inc. and Sara Lee
4 Corporation in this action. I make this declaration to show defendants' compliance with the notice
5 requirements of the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 ("CAFA"). I have personal
6 knowledge of the facts set forth in this declaration and could and would competently testify to them
7 under oath if called as a witness.

8 2. On June 16, 2008, the parties filed their joint motion for preliminary approval of the class
9 action settlement reached between plaintiff Tina Hopson and defendants.

10 3. On June 24, 2008, eight days after the parties' joint motion for preliminary approval was
11 filed, Paul Hastings' staff acting under my direction served on the appropriate federal and state officials
12 notice of the proposed settlement in this action pursuant to 28 U.S.C. section 1715 (the "CAFA
13 Notice").

14 4. The CAFA Notice consists of the Notice of Proposed Settlement, the documents
15 described in Paragraph 6, and a cover letter addressed to the appropriate federal or state official.

16 5. Attached to this declaration as Exhibit A is a true and correct copy of the Notice of
17 Proposed Settlement (pursuant to CAFA, 28 U.S.C. § 1715(b)).

18 6. The following documents were provided with the Notice of Proposed Settlement:

- 19 a. Plaintiff's original complaint, first amended complaint, and second amended
20 complaint (pursuant to CAFA, 28 U.S.C. § 1715(b)(1)). (The first amended
21 complaint and second amended complaint are on file with the Court as part of
22 Docket No. 2.)
- 23 b. A Notice of Scheduled Judicial Hearing (pursuant to CAFA, 28 U.S.C.
24 § 1715(b)(2)). (A true and correct copy of this document is attached as Exhibit
25 B.)

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- 1 c. The parties' Settlement Agreement and all exhibits to the Settlement Agreement
2 (pursuant to CAFA, 28 U.S.C. § 1715(b)(4)). (This document is on file with the
3 Court as part of Docket No. 12.)
- 4 d. The parties' proposed Election Not to Participate in Settlement form, attached to
5 the Settlement Agreement as Exhibit A (pursuant to CAFA, 28 U.S.C.
6 § 1715(b)(3)(A)). (This document is on file with the Court as part of Docket No.
7 12.)
- 8 e. The parties' proposed Notice of Proposed Settlement of Class Action, Conditional
9 Certification of Settlement Class, Preliminary Court Approval of Settlement, and
10 Hearing Date for Final Court Approval and the parties' proposed Claim Form
11 (attached to the Settlement Agreement as Exhibit B) and Consent to Join FLSA
12 Collective Action (attached to the Settlement Agreement as Exhibit C) (both
13 pursuant to CAFA, 28 U.S.C. § 1715(b)(3)(B)). (This document is on file with
14 the Court as part of Docket No. 12.)
- 15 f. The names of Class Members who reside in each state and each Class Member's
16 estimated proportionate share of the entire settlement; and the number of class
17 members residing in each state and the estimated proportionate share of class
18 members for each state of the entire settlement (pursuant to CAFA, 28 U.S.C.
19 § 1715(b)(7)).

20 7. The addressed cover letter lists the contents of the CAFA Notice, explains its format, and
21 is addressed to the appropriate federal or state official. Pursuant to CAFA, 28 U.S.C. § 1715(a), which
22 defines the appropriate federal and state officials to whom service must be made, the cover letter was
23 addressed to and the CAFA Notice was served on the Attorney General of the United States and the
24 Attorneys General of the States in which class members reside. Attached to this declaration as Exhibit C
25 as an exemplar is a true and correct copy of the cover letter addressed and mailed to the Attorney
26 General of the State of California.

27 8. Attached to this declaration as Exhibit D is the Declaration of Service of CAFA Notice,
28 including the names and addresses of the federal and state officials served with the CAFA Notice.

EXHIBIT A

M. KIRBY C. WILCOX (Cal. State Bar No. 078576)
JEFFREY D. WOHL (Cal. State Bar No. 96838)
ANNE W. NERGAARD (Cal. State Bar No. 235058)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
55 Second Street, 24th Floor
San Francisco, California 94105-3441
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
kirbywilcox@paulhastings.com
jeffwohl@paulhastings.com
annenergaard@paulhastings.com

Attorneys for Defendants
HANESBRANDS INC. and
SARA LEE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TINA HOPSON, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

HANESBRANDS INC.; SARA LEE
CORPORATION and DOES 1 through 50,
inclusive,

Defendants.

No. CV 08-0844 EDL

NOTICE OF PROPOSED SETTLEMENT

28 U.S.C. § 1715

PLEASE TAKE NOTICE that the parties to the above-referenced class action have settled the claims at issue in the litigation. Pursuant to the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, defendants Hanesbrands Inc. and Sara Lee Corporation ("Defendants") provide this notice to the Attorney General of the United States of America and the appropriate state official in each state in which a class member resides. Defendants enclose the following documents in accordance with their notice obligations under 28 U.S.C. section 1715(b):

1. Plaintiff's original complaint in this action.
2. Plaintiff's first amended complaint in this action.

3. Plaintiff's second amended complaint in this action.
4. Notice of scheduled judicial hearings in this action.
5. The parties' Settlement Agreement.
6. The parties' proposed Claim Form and Consent to Join FLSA Collective Action
7. The parties' proposed Election Not to Participate in Settlement form.
8. The parties' proposed Notice of Proposed Settlement of Class Action, Conditional Certification of Settlement Class, Preliminary Court Approval of Settlement, and Hearing Date for Final Court Approval.
9. The names of Class Members who reside in each state and the estimated proportionate share of the claims of Class Members in each state to the entire settlement.

PLEASE TAKE FURTHER NOTICE that pursuant to CAFA you are not required to comment on the settlement. However, if you wish to comment, please file your comments by September 5, 2008 at the following address:

Clerk of Court
United States District Court, Northern District of California
450 Golden Gate Avenue, 16th Floor
San Francisco, California 94102

Alternatively, the United States District Court for the Northern District of California (the "District Court") uses the federal electronic case filing ("ECF") system. More information about the District Court's ECF system can be found at <http://ecf.cand.uscourts.gov>. If you choose to comment on the settlement, please also provide notice to the parties' counsel as follows:

CLASS COUNSEL

Edward J. Wynne
J.E.B. Pickett
Wynne Law Firm
100 Drakes Landing Road, Suite 275
Greenbrae, California 94904
Telephone: (415) 461-6400
Facsimile: (415) 461-3900
E-mail: ewynne@wynnelawfirm.com
E-mail: jebpickett@wynnelawfirm.com

DEFENDANTS' COUNSEL

Kirby C. Wilcox
Jeffrey D. Wohl
Anne W. Nergaard
Paul, Hastings, Janofsky & Walker LLP
55 Second Street, 24th Floor
San Francisco, California 94105-3441
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
E-mail: kirbywilcox@paulhastings.com
E-mail: jeffwohl@paulhastings.com
E-mail: annenergaard@paulhastings.com

1 If you have questions about this notice, the underlying action, or the enclosed materials, please
2 contact counsel for Defendants as provided above.

3 Dated: June 24, 2008

M. KIRBY C. WILCOX
JEFFREY D. WOHL
ANNE W. NERGAARD
PAUL, HASTINGS, JANOFSKY & WALKER LLP

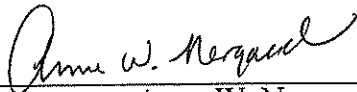
6 By: 
7 Anne W. Nergaard
8 Attorneys for Defendants HANESBRANDS INC. and
9 SARA LEE CORPORATION

EXHIBIT B

1 M. KIRBY C. WILCOX (Cal. State Bar No. 078576)
JEFFREY D. WOHL (Cal. State Bar No. 96838)
2 ANNE W. NERGAARD (Cal. State Bar No. 235058)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
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4 Telephone: (415) 856-7000
Facsimile: (415) 856-7100
5 kirbywilcox@paulhastings.com
jeffwohl@paulhastings.com
6 annenergaard@paulhastings.com

7
8 Attorneys for Defendants
HANESBRANDS INC. and
SARA LEE CORPORATION

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 TINA HOPSON, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 vs.

16 HANESBRANDS INC.; SARA LEE
CORPORATION and DOES 1 through 50,
17 inclusive,

18 Defendants.
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No. CV 08-0844 EDL

**NOTICE OF SCHEDULED JUDICIAL
HEARING**

28 U.S.C. § 1715

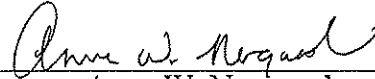
Date: July 22, 2008
Time: 9:00 a.m.
Courtroom: E (15th Floor)
Judge: Hon. Elizabeth D. Laporte

1 PLEASE TAKE NOTICE that a hearing on the parties' Joint Motion for Order: (1) Conditionally
2 Certifying Settlement Class and Collective Action; (2) Preliminarily Approving Proposed Settlement;
3 (3) Approving Notice to Class and Election Not to Participate; (4) Approving Notice of Proposed
4 Settlement; and (5) Setting Final Approval Hearing Date is scheduled for July 22, 2008, at 9:00 a.m. or
5 as soon thereafter as the matter may be heard in Courtroom E in the United States District Court for the
6 Northern District of California, 450 Golden Gate Avenue, 15th Floor, San Francisco, California 94102.
7 Documents relating to the parties' joint motion may be obtained using the Public Access to Court
8 Electronic Resources ("PACER") system at <http://ecf.cand.uscourts.gov>.

9 Dated: June 24, 2008.

M. KIRBY C. WILCOX
JEFFREY D. WOHL
ANNE W. NERGAARD
PAUL, HASTINGS, JANOFSKY & WALKER LLP

10
11
12 By: _____



Anne W. Nergaard

13 Attorneys for Defendants HANESBRANDS INC. and
14 SARA LEE CORPORATION
15
16
17
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22
23
24
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EXHIBIT C

PaulHastings

Paul, Hastings, Janofsky & Walker LLP
55 Second Street
Twenty-Fourth Floor
San Francisco, CA 94105
telephone 415-856-7000 • facsimile 415-856-7100 • www.paulhastings.com

Atlanta
Beijing
Brussels
Chicago
Frankfurt
Hong Kong
London
Los Angeles
Milan
New York
Orange County
Palo Alto
Paris
San Diego
San Francisco
Shanghai
Tokyo
Washington, DC

(415) 856-7018
annenergaard@paulhastings.com

June 24, 2008

72910.00002

VIA U.S. MAIL

Hon. Edmund Brown Jr.
Attorney General of California
1300 I St., Ste. 1740
Sacramento, CA 95814

Re: Notice of Proposed Settlement in *Tina Hopson vs. Hanesbrands Inc., Sara Lee Corporation*, U.S.D.C., N.D. Cal., No. CV 08-0844-EDL

Dear Attorney General Brown Jr.:

Pursuant to the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, defendants Hanesbrands Inc. and Sara Lee Corporation ("Defendants"), provide notice of the parties' proposed settlement in the above-titled action. In accord with its obligations under CAFA, Defendants enclose the following documents:

1. Notice of Proposed Settlement, including notice of the scheduled judicial hearing for preliminary approval on July 22, 2008, at 9:00 a.m., at the United States District Court for the Northern District of California, Courtroom E, 450 Golden Gate Ave., 15th Floor, San Francisco, California 94102.
2. A copy of plaintiff Tina Hopson's Complaint in the above-titled action, filed on May 22, 2007.
3. A copy of plaintiff Tina Hopson's First Amended Complaint in the above-titled action, filed on July 27, 2007.
4. A copy of plaintiff Tina Hopson's Second Amended Complaint in the above-titled action, filed on January 3, 2008.
5. The parties' Settlement Agreement (the "Settlement").
6. The forms of notification sent to class members of the Settlement, which include the (i) Notice of Proposed Settlement of Class Action, Conditional Certification of Settlement Class, Preliminary Court Approval of Settlement, and Hearing Date for Final Court Approval (attached as Exhibit A to the Settlement); (ii) the Claim Form and Consent to Join FLSA Collective Action (attached as Exhibit B to the Settlement); and (iii) the Election Not to Participate in Settlement (attached as Exhibit C to the Settlement).

Hon. Edmund Brown Jr.

June 24, 2008

Page 2

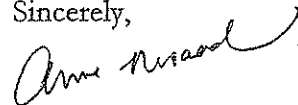
7. Additional documents attached as exhibits to the Settlement, including (i) Notice of Proposed Settlement (attached as Exhibit D to the Settlement); (ii) [Proposed] Order (1) Conditionally Certifying Settlement Class, (2) Preliminarily Approving Proposed Settlement, (3) Approving Notice to Class and Election Not to Participate, (4) Approving Notice of Proposed Settlement, and (5) Setting Hearing for Final Approval (attached as Exhibit E to the Settlement); and (iii) [Proposed] Order Granting Final Approval of Class Action Settlement and Judgment (attached as Exhibit F to the Settlement).
8. A list of class members identified from Defendants' available records as residing, or having resided, in each state and the estimated proportionate share of the claims of such members to the entire Settlement.

The Notice of Proposed Settlement (item 1 above) is enclosed with this letter. In the interest of reducing the volume of paper, the remaining items (2 through 8, above) are provided electronically as PDF files on the enclosed CD. Should you desire any of these items by paper, please contact me by telephone or email, and we will happily provide a paper copy.

If you have questions about this notice, the lawsuit or the enclosed materials, or if you do not receive any of the above-listed materials, please feel free to contact me.

Thank you for your attention to this matter.

Sincerely,



Anne Nergaard
for PAUL, HASTINGS, JANOFSKY & WALKER LLP
Attorneys for Defendants
Hanesbrands Inc. and Sara Lee Corporation

AN: hdv

Enclosures

EXHIBIT D

1 M. KIRBY C. WILCOX (Cal. State Bar No. 078576)
JEFFREY D. WOHL (Cal. State Bar No. 96838)
2 ANNE W. NERGAARD (Cal. State Bar No. 235058)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
3 55 Second Street, 24th Floor
San Francisco, California 94105-3441
4 Telephone: (415) 856-7000
Facsimile: (415) 856-7100
5 kirbywilcox@paulhastings.com
jeffwohl@paulhastings.com
6 annenergaard@paulhastings.com

7 Attorneys for Defendants
8 HANESBRANDS INC. and
SARA LEE CORPORATION
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 TINA HOPSON, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 vs.

16 HANESBRANDS INC.; SARA LEE
17 CORPORATION and DOES 1 through 50,
inclusive,

18 Defendants.

No. CV 08-0844 EDL

**DECLARATION OF SERVICE OF CAFA
NOTICE**

1 I am a citizen of the United States, more than eighteen years old, and not a party to this action.
2 My place of employment and business address is 55 Second Street, 24th Floor, San Francisco, California
3 94105-3441.

4 On June 24, 2008, I served the following documents upon the Attorney General of the United
5 States and the Attorneys General of the States indicated below:

- 6 ▪ **COVER LETTER REGARDING NOTICE OF PROPOSED IN *TINA HOPSON***
7 ***VS. HANESBRANDS INC., SARA LEE CORPORATION, U.S.D.C., N.D. CAL., NO.***
8 **CV 08-0844-EDL**
- 9 ▪ **NOTICE OF PROPOSED SETTLEMENT**
- 10 ▪ **NOTICE OF SCHEDULED JUDICIAL HEARING**
- 11 ▪ **PLAINTIFF'S COMPLAINT (FILED MAY 22, 2007)**
- 12 ▪ **PLAINTIFF'S FIRST AMENDED COMPLAINT (FILED JULY 27, 20007)**
- 13 ▪ **PLAINTIFF'S SECOND AMENDED COMPLAINT (FILED JANUARY 3, 2008)**
- 14 ▪ **SETTLEMENT AGREEMENT**
- 15 ▪ **NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION, CONDITIONAL**
16 **CERTIFICATION OF SETTLEMENT CLASS, PRELIMINARY COURT**
17 **APPROVAL OF SETTLEMENT, AND HEARING DATE FOR FINAL COURT**
18 **APPROVAL**
- 19 ▪ **CLAIM FORM AND CONSENT TO JOIN FLSA COLLECTIVE ACTION**
- 20 ▪ **ELECTION NOT TO PARTICIPATE IN SETTLEMENT**
- 21 ▪ **[PROPOSED] ORDER: (1) CONDITIONALLY CERTIFYING SETTLEMENT**
22 **CLASS; (2) PRELIMINARILY APPROVING PROPOSED SETTLEMENT; (3)**
23 **APPROVING NOTICE TO CLASS AND ELECTION NOT TO PARTICIPATE;**
24 **(4) APPROVING NOTICE OF PROPOSED SETTLEMENT; AND (5) SETTING**
25 **HEARING FOR FINAL APPROVAL**
- 26 ▪ **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION**
27 **SETTLEMENT AND JUDGMENT**
- 28 ▪ **NAMES OF CLASS MEMBERS WHO RESIDE IN EACH STATE AND EACH**

CLASS MEMBER'S ESTIMATED PROPORTIONATE SHARE OF SETTLEMENT.

by placing true copies of these documents, reproduced either in hardcopy or CD, in envelopes addressed to:

Hon. Troy King Attorney General of the State of Alabama State House, 11 S. Union St. Montgomery, AL 36130	Hon. Terry Goddard Attorney General of the State of Arizona 1275 W. Washington St. Phoenix, AZ 85007
Hon. Edmund G. "Jerry" Brown Jr. Attorney General of the State of California 1300 I St., Ste. 1740 Sacramento, CA 95814	Hon. John Suthers Attorney General of the State of Colorado 1525 Sherman Street Denver, CO 80203
Hon. Richard Blumenthal Attorney General of the State of Connecticut 55 Elm St. Hartford, CT 06141-0120	Hon. Bill McCollum Attorney General of the State of Florida The Capitol, PL 01 Tallahassee, FL 32399-1050
Hon. Thurbert E. Baker Attorney General of the State of Georgia 40 Capitol Square, SW Atlanta, GA 30334-1300	Hon. Lisa Madigan Attorney General of the State of Illinois James R. Thompson Ctr., 100 W. Randolph St. Chicago, IL 60601
Hon. Steve Carter Attorney General of the State of Indiana Indiana Government Center South - 5th Floor, 402 West Washington Street Indianapolis, IN 46204	Hon. Tom Miller Attorney General of the State of Iowa Hoover State Office Bldg., 1305 E. Walnut Des Moines, IA 50319
Hon. Stephen Six Attorney General of the State of Kansas 120 S.W. 10th Ave., 2nd Fl. Topeka, KS 66612-1597	Hon. Jack Conway Attorney General of the State of Kentucky 700 Capitol Avenue, Capitol Building, Suite 118 Frankfort, KY 40601
Hon. James D. (Buddy) Caldwell Attorney General of the State of Louisiana P.O. Box 94095 Baton Rouge, LA 70804-4095	Hon. Douglas F. Gansler Attorney General of the State of Maryland 200 St. Paul Place Baltimore, MD 21202-2202
Hon. Martha Coakley Attorney General of the State of Massachusetts 1 Ashburton Place Boston, MA 02108-1698	Hon. Mike Cox Attorney General of the State of Michigan P.O.Box 30212, 525 W. Ottawa St. Lansing, MI 48909-0212

1 2 3	Hon. Lori Swanson Attorney General of the State of Minnesota State Capitol, Ste. 102 St. Paul, MN 55155	Hon. Jim Hood Attorney General of the State of Mississippi Department of Justice, P.O. Box 220 Jackson, MS 37205-0220
4 5 6	Hon. Jeremiah W. (Jay) Nixon Attorney General of the State of Missouri Supreme Ct. Bldg., 207 W. High St. Jefferson City, MO 65101	Hon. Jon Bruning Attorney General of the State of Nebraska State Capitol, P.O.Box 98920 Lincoln, NE 68509-8920
7 8 9	Hon. Catherine Cortez Masto Attorney General of the State of Nevada Old Supreme Ct. Bldg., 100 N. Carson St. Carson City, NV 89701	Hon. Kelly Ayotte Attorney General of the State of New Hampshire State House Annex, 33 Capitol St. Concord, NH 03301-6397
10 11 12	Hon. Anne Milgram Attorney General of the State of New Jersey Richard J. Hughes Justice Complex, 25 Market St., CN 080 Trenton, NJ 08625	Hon. Andrew Cuomo Attorney General of the State of New York Dept. of Law - The Capitol, 2nd fl. Albany, NY 12224
13 14 15	Hon. Roy Cooper Attorney General of the State of North Carolina Dept. of Justice, P.O.Box 629 Raleigh, NC 27602-0629	Hon. Nancy Hardin Rogers Attorney General of the State of Ohio State Office Tower, 30 E. Broad St. Columbus, OH 43266-0410
16 17 18	Hon. W.A. Drew Edmondson Attorney General of the State of Oklahoma State Capitol, Rm. 112, 2300 N. Lincoln Blvd. Oklahoma City, OK 73105	Hon. Hardy Myers Attorney General of the State of Oregon Justice Bldg., 1162 Court St., NE Salem, OR 97301
19 20 21	Hon. Tom Corbett Attorney General of the State of Pennsylvania 1600 Strawberry Square Harrisburg, PA 17120	Hon. Robert E. Cooper, Jr. Attorney General of the State of Tennessee 500 Charlotte Ave. Nashville, TN 37243
22 23 24	Hon. Greg Abbott Attorney General of the State of Texas Capitol Station, P.O.Box 12548 Austin, TX 78711-2548	Hon. Bob McDonnell Attorney General of the State of Virginia 900 E. Main St. Richmond, VA 23219
25 26 27	Hon. Rob McKenna Attorney General of the State of Washington 1125 Washington St. SE, PO Box 40100 Olympia, WA 98504-0100	Hon. J.B. Van Hollen Attorney General of the State of Wisconsin State Capitol, Ste. 114 E., P.O.Box 7857 Madison, WI 53707-7857

1 Hon. Michael Mukasey
2 Attorney General of the State of United States
3 U.S. Department of Justice
4 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

5 and then sealing the envelopes, affixing adequate first-class postage, and depositing them within my
6 firm for collection by the U.S. Postal Service pursuant to my firm's regular practice of collecting and
7 processing envelopes and other matters for mailing.

8 I declare under penalty of perjury under the laws of the United States of America that the above
9 is true and correct.

10 Executed on June 24, 2008, at San Francisco, California.

11 

12 Helen DeVol